

WOOD & LAMPING LLP

SINCE 1927

ATTORNEYS AT LAW

600 VINE STREET, SUITE 2500
CINCINNATI, OHIO 45202-2491
TELEPHONE (513) 852-6000
FAX (513) 852-6087

WOOD, LAMPING & LEHNER LLP
208 WALNUT STREET
LAWRENCEBURG, INDIANA 47025
TELEPHONE (812) 537-2375
FAX (812) 537-2368

www.woodlamping.com

KENNETH J. SCHNEIDER
WILLIAM R. ELLIS
HAROLD G. KORBEE
PAUL R. BERNINGER
ROBERT P. MALLOY
JEFFREY M. ROLLMAN
MARK S. RECKMAN
JAN M. FRANKEL
GARY J. DAVIS
JAMES B. HARRISON
HENRY E. MENNINGER, JR.
C.J. SCHMIDT III
THOMAS M. WOEBKENBERG
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THOMAS J. BREED
LISA D. LEHNER
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ELIZABETH A. HORWITZ
JOHN W. EILERS
PETER M. BURRELL
LISA M. RAMMES
TIMOTHY A. GARRY, JR.
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ROCCINA S. NIEHAUS
THOMAS R. BLONDELL
EDWARD D. BENDER
KEVIN K. FRANK
V. BRANDON MCGRATH
JEFFREY D. FORBES
JOEL F. McGUIRE
E. WEDNESDAY OSTER
RAYAN F. COUTINHO, Ph.D.
MICHAEL J. MENNINGER

Counsel

ROBERT F. RECKMAN
WILLIAM H. EDER, JR.
BRIAN P. GILLAN
AMY GASSER CALLOW

JOHN WOOD II (1917-1998)
FRED C. LAMPING (1903-1989)
ALBERT H. NEMAN (1929-2003)
HARRY M. HOFFHEIMER
(1913- 2006)

DIRECT DIAL: 513-852-6012
E-MAIL: agcallow@woodlamping.com

March 22, 2007

Michael A. Roberts, Esq.
Graydon, Head & Ritchey LLP
1900 Fifth Third Center
511 Walnut Street
Cincinnati, OH 45202-3157

Re: Jefferson-Pilot Insurance Company v. Christopher L. Kearney
Case No. C-1-02-479

Dear Mike:

Enclosed please find a Supplemental Privilege Log which we submit in supplementation of Production Request No. 14. This request asked for: "material or guidelines which refer to Plaintiff and/or DMS's claims handling procedures and/or criteria. Any and all claims training manuals." In the response previously submitted, Ms. Johnson had referenced training provided by DMS's attorneys to its claims representatives. Ms. Johnson referenced the fact that such training was entirely privileged from disclosure. To this end, we have compiled and hereby submit to you a privilege log identifying the documents referenced in the response to production request no. 14.

In the correspondence John Meagher sent you last week, we once again asked for deposition dates for Mr. Kearney's treating physicians. Please provide available dates to Stacey Vogelsang at Wood & Lamping so that we can get these scheduled. If I do not hear from you regarding dates for the depositions of Mr. Kearney's treating physicians by Tuesday, March 27, we will proceed to schedule them unilaterally. To be clear, we require the depositions of the following: Dr. Judd-McClure, Dr. Patel, Dr. Lehenbauer, Dr. Henderson and Shawn Barnhart.



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We reserve the right to depose any other physician or medical provider with Mr. Kearney has consulted or received treatment from if additional witnesses are identified in supplementation of discovery.

The next item we need to address is the Court's Order dated 3-14-07 which requires the return of the 1999 Jefferson-Pilot and DMS's Administrative Services Agreement in your possession. Please immediately return that agreement as well as any copies you have released to your client or any other person or entity. Consistent with the Court's order, we will then furnish a new copy to you marked as "Confidential." In separate correspondence I will forward a proposed agreed protective order to you.

With regard to your responses to our discovery requests, please let this letter serve as our informal attempt to resolve our discovery disputes. The following responses require completion or supplementation as noted. As a threshold matter, the interrogatory responses are not verified. Please have Mr. Kearney verify the responses.

In Interrogatory No. 3, you identify persons with knowledge including generally, "Kearney's physicians." You also reference Kearney's physicians in your response to Interrogatory No. 18. So that we can be confident that we are aware of all of the physicians with whom Mr. Kearney has sought or received treatment, please identify these physicians by name and address.

In response to Interrogatory No. 4, you advised that a total unpaid sum of \$36,000 is due for the period June 2002 through March 2006. Please clarify whether you allege this sum is owed in addition to the \$36,000 payment made to Mr. Kearney in March 2006.

You asked for clarification of Interrogatory No. 9. The "medical condition" referred to is the one Mr. Kearney claims causes his current residual disability. In supplementation of both Interrogatory No. 9 and Interrogatory No. 10, please state with specificity which of the medical doctors identified have advised that the actions of DMS and/or Jefferson-Pilot adversely affect Mr. Kearney's mental health. In addition, please verify the name and address of Dr. Patel. We do not have any medical records from Dr. Patel in our possession and ask that you supplement the same.

In your response to Interrogatory No. 17, you referred to the response to Interrogatory No. 3. In Interrogatory No. 3, you identified people with knowledge/information relative to the subject matter of the counterclaim. Please supplement this response to "state the substance of that person's knowledge" as requested in Interrogatory No. 17.

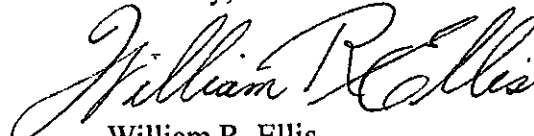
We await your individual and business tax returns as promised in your production of documents and any documents responsive to Document Request No. 4. Given the relatively short timeline that we have to complete discovery, we ask you send these additional documents as soon as possible.

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Finally, you object to identifying Mr. Kearney's credit cards and producing his credit card statements. As you know, Mr. Kearney's claim is one for residual disability. He has been reluctant to provide documentation of his business income and expenses. Credit card records are often the best and sometimes the only way to accurately track business expenses and activities in the absence of formal business records. Please reconsider your response to Interrogatory No. 24 and Document Request No. 29.

If you have any questions regarding any of these items, please contact me to discuss.

Sincerely,



William R. Ellis

WRE:rd
Enclosure
cc: John E. Meagher

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